

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-807V

Originally Filed: October 14, 2016

Refiled in Redacted Form: December 2, 2016

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[REDACTED],

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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UNPUBLISHED

Special Master Hamilton-Fieldman

Joint Stipulation on Damages;
Influenza (“Flu”) Vaccine; Guillain
Barré Syndrome (“GBS”).

Carol L. Gallagher, Carol L. Gallagher, Esq., LLC, for Petitioner.

Darryl R. Wishard, United States Department of Justice, Washington, DC, for Respondent.

DECISION¹

On July 29, 2015, [REDACTED] (“Petitioner”) petitioned for compensation under the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-1 to -34 (2012). Petitioner alleged that the administration of the Influenza (“Flu”) vaccine, on September 18, 2013, caused her to develop Guillain-Barré Syndrome (“GBS”).

On October 11, 2016, the parties filed a stipulation stating that a decision should be entered awarding compensation. Respondent denies that the Flu vaccine caused Petitioner’s

¹ When this decision was originally filed the undersigned advised her intent to post it on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), Petitioner filed a timely motion to redact certain information. This decision is being reissued with the redaction of Petitioner’s name. Except for those changes and this footnote, no other substantive changes have been made. This decision will be posted on the court’s website with no further opportunity to move for redaction.

alleged GBS or any other injury. Stipulation at ¶ 6, filed Oct. 11, 2016. Nevertheless, the parties agree to the joint stipulation, attached hereto as Appendix A. The undersigned finds the stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

The parties stipulate that Petitioner shall receive the following compensation:

- 1) **A lump sum payment of \$2,978,711.73, which amount represents compensation for first year life care expenses (\$24,251.49), lost earnings (\$2,718,701.03), pain and suffering (\$225,000.00), and past unreimbursable expenses (\$10,759.21), in the form of a check payable to Petitioner; and**
- 2) **An amount sufficient to purchase an annuity contract described in paragraph 10 of the stipulation, to be paid to a life insurance company meeting the criteria described in paragraph 9 of the stipulation, from which the annuity will be purchased.**

Stipulation at ¶ 8, filed Oct. 11, 2016. These amounts represent compensation for all damages that would be available under section 15(a) of the Act. *Id.* The undersigned approves the requested amounts for Petitioner's compensation. Accordingly, an award should be made consistent with the stipulation.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.²

IT IS SO ORDERED.

s/ Lisa Hamilton-Fieldman
Lisa Hamilton-Fieldman
Special Master

² Entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review. Vaccine Rule 11(a).